

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

**DHSC, LLC, d/b/a AFFINITY MEDICAL CENTER,
COMMUNITY HEALTH SYSTEMS, INC.,
HOSPITAL OF BARSTOW, INC., d/b/a
BARSTOW COMMUNITY HOSPITAL,
WATSONVILLE HOSPITAL CORPORATION d/b/a
WATSONVILLE COMMUNITY HOSPITAL,
and/or
COMMUNITY HEALTH SYSTEMS PROFESSIONAL
SERVICES CORPORATION, LLC,
a single employer and/or joint employers and
QUORUM HEALTH CORPORATION and QHCCS, LLC,
successor employers**

and

CASE

08-CA-167313

**NATIONAL NURSES ORGANIZING COMMITTEE
(NNOC), CALIFORNIA NURSES ASSOCIATION/NATIONAL
NURSES ORGANIZING COMMITTEE (CNA/NNOC)
and CALIFORNIA NURSES ASSOCIATION (CNA),
NATIONAL NURSES UNITED**

**HOSPITAL OF BARSTOW INC., d/b/a BARSTOW
COMMUNITY HOSPITAL, COMMUNITY HEALTH SYSTEMS, INC.,
and/or COMMUNITY HEALTH SYSTEMS PROFESSIONAL
SERVICES CORPORATION, LLC,
a single employer and/or joint employers and
QUORUM HEALTH CORPORATION and QHCCS, LLC,
successor employers**

and

CASES

31-CA-167522

31-CA-174673

**CALIFORNIA NURSES ASSOCIATION/NATIONAL
NURSES ORGANIZING COMMITTEE (CNA/NNOC)**

**BLUEFIELD HOSPITAL COMPANY, LLC d/b/a
BLUEFIELD REGIONAL MEDICAL CENTER,
COMMUNITY HEALTH SYSTEMS, INC., and/or
COMMUNITY HEALTH SYSTEMS PROFESSIONAL
SERVICES CORPORATION, LLC,
a single employer and/or joint employers**

and

**CASES 10-CA-168085
10-CA-151016
10-CA-153544
10-CA-174418
10-CA-177532**

**NATIONAL NURSES ORGANIZING COMMITTEE
(NNOC), AFL-CIO**

**GREENBRIER, VMC, LLC d/b/a GREENBRIER
VALLEY MEDICAL CENTER, COMMUNITY HEALTH SYSTEMS, INC.,
and/or COMMUNITY HEALTH SYSTEMS PROFESSIONAL
SERVICES CORPORATION, LLC,
a single employer and/or joint employers**

and

**CASES 10-CA-167330
10-CA-150997
10-CA-153336**

**NATIONAL NURSES ORGANIZING COMMITTEE
(NNOC), AFL-CIO**

**COUNSEL FOR GENERAL COUNSEL'S OPPOSITION TO JOAN H. TEUBERT'S
PETITION TO REVOKE SUBPOENAS AD TESTIFICANDUM NOS.
A-1-VJF4EX and A-1-VJ48CR**

Counsel for General Counsel files this Opposition to Joan H. Teubert's Petition to Revoke Subpoenas Ad Testificandum Nos. A-1-VJF4EX and A-1-VJ48CR and hereby opposes this petition, pursuant to Section 102.31(b) of the Board's Rules and Regulations. The subpoenas ad testificandum compel Joan H. Teubert, a current employee of Respondent Greenbrier, to

appear at the hearing on the Consolidated Complaint, currently scheduled to begin on March 27, 2017 in Beaver, West Virginia before the Honorable Administrative Law Judge Geoffrey Carter. The Greenbrier portion of the hearing is currently scheduled to begin on October 30, 2017.

Ms. Teubert's Petition to Revoke contains few substantive legal arguments. Rather, Ms. Teubert states that: (1) she has no desire to participate in the hearing on the Consolidated Complaint; (2) she lacks knowledge of any of the underlying allegations in the Consolidated Complaint; (3) she has other conflicting familial obligations; and (4) the appearance fee and mileage are inadequate compensation. Counsel for General Counsel shows below that Ms. Teubert's objections are without merit and the Petition to Revoke should be denied in its entirety.

I. Procedural History

On September 26, 2016, the Regional Director for Region 8 issued an Order Consolidating Cases, Third Consolidated Complaint ("Consolidated Complaint"), in which Counsel for General Counsel alleged that Respondent Affiliates, including Respondent Greenbrier, together with CHS Inc. and/or Respondent CHSPSC, LLC, as a single and/or joint employer, engaged in a variety of unfair labor practices. The Consolidated Complaint alleges numerous Section 8(a)(1), (3) and (5) violations at Respondents' facilities. With respect to Respondent Greenbrier, where Ms. Teubert is currently employed, the Consolidated Complaint alleges, inter alia, unfair labor practices regarding implementing unilateral changes without giving notice or bargaining with the collective-bargaining representative; failing and refusing to bargain in good faith with the exclusive collective-bargaining representative; and failing and refusing to provide necessary and relevant information to the collective-bargaining representative. On October 19, 2016, Respondent Greenbrier filed its respective answer denying

the overwhelming majority of the Consolidated Complaint allegations, including the single and/or joint employer allegations and the substantive allegations.

On February 23, 2017, Counsel for General Counsel issued subpoenas ad testificandum Nos. A-1-VJF4EX and A-1-VJ48CR to Joan H. Teubert in preparation for the hearing on the Consolidated Complaint. A copy the subpoenas is attached as Exhibit A. On March 1, 2017, Ms. Teubert filed a Petition to Revoke the subpoenas challenging the requirement that she appear to testify at the hearing on the Consolidated Complaint. A copy of the Petition to Revoke is attached as Exhibit B.

II. Ms. Teubert has not satisfied her burden of establishing any valid ground upon which the subpoenas should be revoked.

Ms. Teubert has not made any contention that the evidence sought to be elicited by these subpoenas would be irrelevant or immaterial, or was privileged on any ground, or that, for any other reason sufficient in law, the subpoenas were invalid. Rather, Ms. Teubert simply argues that: 1) she does not wish to be involved in the hearing on the Consolidated Complaint; 2) she lacks knowledge of any wrongdoing by Respondent Greenbrier; 3) she has familial obligations; and 4) the compensation is in adequate. None of these objections are sufficient to revoke Counsel for General Counsel's subpoenas.

Counsel for General Counsel notes that it intends to call the subpoenaed witnesses to adduce testimony regarding the allegations in the Consolidated Complaint. By her own admission in her written Petition to Revoke, Ms. Teubert is a long-time employee of Respondent Greenbrier, and has first-hand knowledge of several of the allegations encompassed by the Consolidated Complaint. For example, the Consolidated Complaint alleges that Respondent Greenbrier made unilateral changes to several policies, including Respondent's paid time off,

mandatory time off, and staffing levels policies, without first giving notice and opportunity to bargain to the Union. To show whether such changes occurred, among other things, Counsel for General Counsel will call witnesses to show what Respondent Greenbrier's policies and past practices were prior to the alleged changes, whether the alleged changes occurred, and the effects of such changes after implementation.

Ms. Teubert argues in her Petition to Revoke that she has family obligations which would interfere with the hearing scheduled to begin on March 27, 2017. Specifically, Ms. Teubert asserts that around the timeframe of the hearing, her oldest son and his wife are expecting the birth of their first child in Roanoke, VA and Ms. Teubert will be with them as much as possible. Counsel for General Counsel notes that subsequent to the filing of Ms. Teubert's Petition to Revoke, the Greenbrier portion of the hearing on the Consolidated Complaint was postponed to a later date and is currently scheduled for October 30, 2017, through November 10, 2017. Thus, the later hearing date would not have an impact on Ms. Teubert's asserted familial obligations regarding the birth of her grandchild.

Ms. Teubert also argues in her Petition to Revoke that she does not want to be involved in the hearing on the Consolidated Complaint and that the appearance fee and mileage reimbursement are inadequate compensation. Counsel for General Counsel asserts that those reasons are insufficient to excuse her from the hearing on the Consolidated Complaint.

III. Conclusion

In sum, the subpoenas ad testificandum seek to require the appearance of Joan H. Teubert at the Greenbrier portion of the hearing on the Consolidated Complaint, currently scheduled to begin on October 30, 2017, through November 10, 2017. Ms. Teubert's testimony is relevant to

the matters in the Consolidated Complaint. Further, Ms. Teubert has not satisfied her burden of establishing any valid ground upon which the subpoenas should be revoked. For the foregoing reasons, Counsel for General Counsel respectfully submits that Joan H. Teubert's Petition to Revoke be denied.

Dated at Winston-Salem, North Carolina, on the 24th day of March 2017.

Respectfully submitted,

/s/ Ashley L. Banks

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Counsel for General Counsel's Opposition to Joan H. Teubert's Petition to Revoke Subpoenas Ad Testificandum Nos. A-1-VJF4EX and A-1-VJ48CR with attachments was served by regular mail on March 24, 2017, on the following:

Joan H. Teubert
313 Montvue Dr.
Lewisburg, WV 24901

Dated at Winston-Salem, North Carolina, this 24th day of March 2017.

/s/ Ashley L. Banks

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